

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Alexander M. Korsunsky

Application No: 10/502,432

§ 371 Filing Date: July 22, 2004

Title: X-RAY DIFFRACTION METHOD

Attorney Docket No.: ISI-003US

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

**STATEMENT OF FACTS SUPPORTING PETITION TO REVIVE AN
ABANDONED APPLICATION PURSUANT TO 37 CFR § 1.137(b)**

Dear Sir:

I, Mr Tom Hockaday, a citizen of the United Kingdom, residing in Oxfordshire, United Kingdom, hereby declare as follows:

I am the Managing Director of the Assignee of the instant application, Isis Innovation Limited (Oxford, UK). The assignment from the inventor, Alexander M. Korsunsky, to Isis Innovation Limited was recorded at reel 015606, frame 0721 on January 19, 2005. I have been the Managing Director since April 2006 and have thoroughly reviewed the Oxford UK files relating to this application. I make this Statement of Facts based on my review of the Oxford UK files and where information or facts are not within my own personal knowledge, statements made in this Statement of Facts are based on the information contained on the Oxford UK files relating to this application.

Applicant, through its UK agents, instructed Lahive & Cockfield, the US firm responsible for the instant application, on July 28, 2006, to take no further action regarding this application.

In August 2006, Applicant commenced discussions with a third party that was interested in obtaining a license to this application and, as a result, the Applicant decided to proceed with prosecution of the instant application. This is evident by the file records of negotiations to licence the instant application in the US. In fact, Applicant licensed this application to that third party on February 9, 2007. At this time, the instant US application was still pending and in good standing. The Applicant, however, inadvertently failed to inform its UK agents of the decision to proceed with the prosecution of the instant application. Accordingly, Lahive & Cockfield was not informed of this change in intention. Although the Isis Innovation project manager responsible for this case, Dr Stuart Wilkinson, has been informed by our UK agents and US attorneys that they continued to forward US Patent Office correspondence to Applicant, including the Office Action of 24 July 2007, there is no record of having received this correspondence in the Oxford UK files and there is no indication that any such correspondence was ever received by the Applicant.

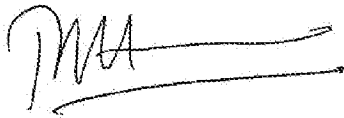
On November 13, 2008, Dr Wilkinson reviewed the status of the instant application on the US Patent Office website and was surprised to find that the instant application, which Applicant still considered active and pending, had been deemed abandoned at the US Patent Office. Because it was not Applicant's intention to abandon the instant application, Dr Wilkinson immediately contacted Applicant's UK agents who in turn contacted the US attorneys on November 17, 2008 to determine what steps must be taken to revive the instant application. Applicant now files this Statement of Facts with the US Patent Office, having prepared an Amendment and Response to the outstanding Office action as quickly as practicable.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that

such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in this Statement of Facts and Petition to Revive are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Dated: December 12, 2008

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'THA', followed by two horizontal lines.

Mr Tom Hockaday
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